



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

Board Members

Max Wilson, District 4, Chairman
Fulton Brock, District 1
Don Stapley, District 2
Andrew Kunasek, District 3
Mary Rose Wilcox, District 5

County Manager

David Smith

Clerk of the Board

Fran McCarroll

Meeting Location

Supervisors' Auditorium
205 W. Jefferson
Phoenix, AZ 85003

FORMAL MEETING MINUTES

BOARD OF SUPERVISORS Maricopa County, Arizona

(and the Boards of Directors of the Flood Control District, Library District,
Stadium District, Improvement Districts and/or Board of Deposit)

**Thursday, November 06, 2008
1:00 PM**

1. INVOCATION

Supervisor Mary Rose Wilcox, District 5, gave the invocation.

2. PLEDGE OF ALLEGIANCE

Rudy Santa Cruz, appointee for the post of Constable in the West McDowell Justice Court, led the assemblage in the Pledge of Allegiance.

3. ROLL CALL

The Board of Supervisors of Maricopa County Arizona convened in Formal Session at 1:00 PM on Thursday, November 06, 2008, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Fulton Brock, District 1; Andrew Kunasek, District 3; and Mary Rose Wilcox, District 5. Absent: Don Stapley, District 2. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

BOARD OF SUPERVISORS

4. Pet Showcase by Maricopa County Animal Care and Control.

Aprill Hollis introduced Bojangles, a Chihuahua mix who dances on his hind legs to get a doggie treat. She said the Maricopa County Animal Care and Control has a lot of dogs right now and urged all "dogless families" to come and find a new best friend. Bojangles will be available to dance into your heart today at 1:00 p.m. Call 602-506-PETS for information.

5. APPOINTMENT OF CONSTABLE

Appoint a new Constable to fill the unexpired term of Constable Joe Reyes of the West McDowell Justice Precinct, who passed away on September 20, 2008. Term will expire on December 31, 2010. Constable Reyes faithfully served his constituency from January 1, 1999, until his passing. Per A.R.S. 11-421.01 Section C and consistent with Board of Supervisors' action related to the Constables' salaries (reference C2508006000), recommend setting the salary of the newly appointed Constable for the West McDowell Precinct at \$48,284. (C-25-09-003-9-00)

Mary Rose Wilcox sadly reported that Joe Reyes, who had served as Constable for many years in the West McDowell Justice Precinct, has passed away. She said she searched the applicants for a replacement who knew the community well and could interact well with the families in that area. She decided to nominate Rudy Santa Cruz who was born in West Phoenix and graduated from schools and college there. Mr. Santa Cruz became a teacher and is now retired.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Mr. Santa Cruz was sworn in by Supervisor Wilcox. He thanked Supervisor Wilcox and the Board for giving him this opportunity.

PRESENTATIONS

6. BEST TREND PERFORMANCE AWARD TO MARICOPA COUNTY

Presentation regarding the Best Trend Performance Award to Maricopa County. Walgreens Health Initiatives (WHI), the pharmacy benefits manager for Maricopa County's employees, will present the "Best Trend Performance" award to the county for their outstanding trend results in 2007. Though a collaborative effort between Maricopa County and WHI, the

county was able to reduce their per member prescription medication cost in 2007 by 2.44% in 2007 compared to the previous year.

Mr. Mike Schaiberger, Director of Employee Health Initiatives
Mr. Richard Ashworth, Vice-President WHI

Mike Schaiberger, Director, Employee Health Initiatives, recognized Diane Golab and Pat Vancil for their dedication and leadership in that department. He thanked all the employees in his department, Walgreen's Health Initiatives and the 30,000 Maricopa County employees and their families who have helped achieve another Maricopa County employee health care milestone.

Richard Ainsworth, Executive Vice President, Walgreens Health Initiatives, said that in 2003 Walgreen's partnered with Maricopa County to focus on decreasing health care costs and increasing member care and satisfaction. He added that Maricopa County is "nothing short of our most innovative client." Walgreens has presented Maricopa County with different awards in previous years, but this year Maricopa County is to receive Walgreen's most prestigious award, which is "Best Trend." This recognizes the achievement of a negative 2.44 percent savings year after year. To illustrate how good this is, Mr. Ainsworth said their entire global enterprise has a 5.66 percent trend, which is also better than industry benchmarks. He added, "A negative 2.44 is nothing short of amazing, it's a fantastic accomplishment."

He reported that Walgreens is also partnering with the County in opening an onsite Walgreens Pharmacy and a Nurse Practitioner Clinic, which will be located on the 2nd floor of the Administration Building.

Mr. Ainsworth presented the Walgreens Health Initiative Award for Best Trend to Chairman Kunasek, who said, "As the son of a pharmacist, I am happy to accept this." He recognized that these savings were "a notable accomplishment, especially in this day and age of inflation and high health care costs." (C-35-09-003-P-00)

STATUTORY HEARINGS

Clerk of the Board

7. LIQUOR LICENSE APPLICATIONS

Pursuant to A.R.S. §4-201, this is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

a. PERSON-TO-PERSON TRANSFER LIQUOR LICENSE FOR LAST CHANCE TRADING POST

Approve an application filed by Todd Michael Grooms for a Series 06 Person-to-Person Transfer Liquor License application for the Last Chance Trading Post, 26427 S. Arizona Avenue, Chandler, AZ 85248. (AZ #06070122) (MCLL#6276) (C-06-09-135-L-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Nays: Brock
Absent: Stapley

b. LIQUOR LICENSE FOR TIBURON AQUARIUM RESTAURANT

Approve an application filed by Alejandro Ricardo Corona for a New Series 12 liquor license for Tiburon Aquarium Restaurant & Flamingo Lounge at 16501 West Northern Avenue, Litchfield Park, AZ, 85340. (AZ#12077744) (MCLL#6277) (C-06-09-136-L-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Nays: Brock
Absent: Stapley

8. FRANCHISES

a. FRANCHISE EXTENSION - WATER UTILITY OF GREATER TONOPAH (WUGT)

Pursuant to A.R.S. §40-283, convene the scheduled public hearing to solicit comments and consider the application by Water Utility of Greater Tonopah, for an extension to an existing public service franchise for a domestic water distribution system. The hearing will consider whether the applicant is able to adequately maintain facilities in county rights-of-way. Pending approval by the Board of Supervisors, the franchise will be granted upon the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona within six months of approval by the Board of Supervisors and that no facilities will be installed prior to the granting of the Certificate of Convenience and Necessity. (F21283) (C-06-09-085-7-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

b. FRANCHISE APPLICATION - VALENCIA WATER COMPANY

Pursuant to A.R.S. § 40-283, convene the scheduled public hearing, to solicit comments and consider the application filed by Valencia Water Company, for an extension to an existing public service franchise for a domestic water distribution system.

The Board previously approved franchise applications filed separately by Valencia Water Company and Water Utility of Greater Buckeye (WUGB), respectively. The area services were split between the two companies and both had portions of their Certificate of Convenience and Necessity (CC&N) areas covered under the Maricopa County Franchise Agreements. On February 27, 2008, the Arizona Corporation Commission approved a merger of WUGB into Valencia, and required that Franchise Agreements be obtained for Valencia to include both former WUGB CC&N and Valencia CC&N services areas.

Today's hearing will consider whether the applicant is able to adequately maintain facilities in county rights-of-way. Pending approval by the Board of Supervisors, an extension to an existing public service franchise for a domestic water distribution

system that includes both former WUGB CC&N and Valencia CC&N services areas will be granted upon the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona within six months of approval by the Board of Supervisors and that no facilities will be installed prior to the granting of the Certificate of Convenience and Necessity. Upon approval, authorize the Chairman to sign the Franchise Resolution. Further, upon approval, the existing franchises for Valencia Water Company Franchise and Water Utility of Greater Buckeye (WUGB) dated October 21, 1985 and June 1, 1992, respectively, are hereby rescinded. (C-06-09-090-L-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

9. BINGO APPLICATION - BRIARWOOD COUNTRY CLUB

Pursuant to A.R.S. §5-403 and 5-404, convene the scheduled hearing on the application filed by Briarwood Country Club. At this hearing, the Board of Supervisors will determine the recommendation to the Arizona Department of Revenue to either approve or disapprove the license.

Briarwood Country Club, 20800 N. 135th Avenue, Sun City West, AZ 85375, is seeking approval of a bingo license for use twice a month on Wednesdays at 8:00 p.m. (A657-30) (C-06-09-141-L-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Public Works

10. ROAD FILE DECLARATIONS

Approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation.

- a. ROAD FILE NO. 5801** to Open and Declare the following described alignments into the County Transportation System.

Various roadway alignments together with all appurtenant rights, lying within Section 32 – T2N, R7E of the G&SRB&M, Maricopa County, Arizona; said alignments are described as follows. 78th Street, The East 25 feet of the East half of the Southeast quarter of the Northwest quarter of the Southwest quarter of said Section 32; The South 25 feet of the East 25 feet of the East half of Northeast quarter of the Northwest quarter of the Southwest quarter of said Section 32; The West 25 feet of the West half of the Southwest quarter of the Northeast quarter of the Southwest quarter of said Section 32. Plymouth Street The South 25 feet of the North half of the Northeast quarter of the Southwest quarter of said Section 32; The North 25 feet of the South half of the Northeast quarter of the Southwest quarter of said Section 32, Except the West 30 feet thereof. 80th Street The East 30 feet of the Northeast quarter of the Northeast quarter of the Southwest quarter of said Section 32, Except the South 25 feet thereof; The West 30 feet of the Northwest quarter of the

Northwest quarter of Northwest quarter of the Southeast quarter of said Section 32; The West 40 feet of the Southwest quarter of the Northwest quarter of the Northwest quarter of the Southeast quarter of said Section 32; A parcel BEGINNING at the Northwest corner of the Southwest quarter of the Northwest quarter of the Southeast quarter of said Section 32; Thence East 25 feet ; Thence Southwesterly to a point 25 feet south of the Point of Beginning; Thence North 25 feet to the POINT OF BEGINNING. Quenton Street The North 40 feet of the Northwest quarter of the Northwest quarter of the Northwest quarter of the Southeast quarter of said Section 32, Except the West 30 feet thereof; The South 25 feet of the Southwest quarter of the Southwest quarter of the Southwest quarter of the Northeast quarter of said Section 32. 79th Street The East 25 feet of the North 310 feet of the South 325 feet of the Northwest quarter of the Northeast quarter of the Southwest quarter of said Section 32; The East 20 feet of the North 198 of the south 533 feet of the Northwest quarter of the Northeast quarter of the Southwest quarter of said Section 32; The West 30 feet of the North 508 feet of the South 533 feet of the Northeast quarter of the Northeast quarter of the Southwest quarter of said Section 32; A parcel BEGINNING at a point 533 feet North and 25 feet East of the Southwest corner of the Northeast quarter of the Northeast quarter of the Southwest quarter of said Section 32; Thence West 45 feet to the point of curve of a non-tangent curve having a radius of 45 feet and a center which bears East 45 feet; Thence Northeasterly along said curve through a central angle of 225 degrees to a point of reverse curve to the left having a radius of 45 feet; Thence Southwesterly along said curve through a central angle of 45 degrees to a point on the East line of the West 30 feet of said Northeast quarter of the Northeast quarter of the Southwest quarter of said Section 32; Thence North along said East line to the POINT OF BEGINNING. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No.2 (C-91-09-045-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

- b. **ROAD FILE NO. 5803** to Open and Declare the following described alignments into the County Transportation System. That portion of Adobe Road lying within Adobe Estates, a subdivision as shown in Book 527 of Maps, Page 06, M.C.R. General Vicinity: University Drive and Signal Butte Road. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 2. (C-91-09-051-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

- c. **ROAD FILE NO. A402-R** said alignment is also known as Virginia Avenue from 193rd Avenue to 192nd Avenue, lying within Supervisor District No. 4. (C-91-09-050-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

- d. **ROAD FILE NO. A405** said alignment is also known as White Wing Road, from Cotton Lane (171st Avenue) to Sarival Avenue (163rd Avenue). Supervisor District No. 4. (C-91-09-046-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

- e. **ROAD FILE NO. A404** said alignment is also known as Villa Lindo from 91st Avenue to 89th Avenue. Supervisor District No. 5. (C-91-09-047-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Planning and Development

11. ORDINANCE P-20 MARICOPA COUNTY ADDRESSING REGULATIONS

Pursuant to A.R.S. §11-251.08, convene the scheduled public hearing to solicit comments and consider the adoption of amended Ordinance P-20 Maricopa County Addressing Regulations regarding fee increases. The amended Ordinance is effective December 1, 2008. (C-44-09-032-M-00)

Lynn Favour said this proposal is to amend the fee schedule for Addressing Regulations for Maricopa County. This schedule has not been changed since 1999 and this item would make several modest fee increases to provide for cost recovery for services provided.

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

AGENCY ITEMS AND STATUTORY MATTERS

COUNTY OFFICERS

Clerk of the Board

12. 2009 MEETING SCHEDULE

Adopt the 2009 Board of Supervisors' Meeting schedule. (ADM601) (C-06-09-162-M-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

County Attorney

13. RELEASE OF LIEN FOR LINCOLN TRUST COMPANY V. BAYBERRY III LLC ET AL CV2008-051695

Accept the payment of \$20,306.21 for the release of a lien in favor of Maricopa County on Parcel APN 142-27-007G and authorize the execution and recording of all documents necessary to release the lien. This matter was discussed in Executive Session on July 21, 2008 under item E-19-09-006-2-00. (C-19-09-024-S-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Sheriff

14. DONATION

Accept the donation to the Sheriff's Office of \$250.00 from Best Materials. (C-50-09-025-D-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

15. ACCEPTANCE OF STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP) REIMBURSEMENT FUNDS

Approve acceptance of \$3,022,483 in FY 2008 reimbursement funding from the Bureau of Justice Assistance, State Criminal Alien Assistance Program (SCAAP). The corresponding application was filed under BOS Agenda C-50-07-541-3-ZZ, Section A., approved on March 21, 2007. Also per A.R.S. §42-17106(b), approve an increase in the revenue and expenditure authority not-to-exceed \$3,022,483 and establish a new line in Non-Departmental (472) Detention Fund (255) Non-Recurring (0001) Reserved Contingency (4711) entitled "Detention Initiatives". Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

The Sheriff's Office has applied for this formula-based reimbursement on behalf of the County for many years. SCAAP reimburses state and local government agencies a portion of the costs to incarcerate undocumented criminal aliens who are convicted of felony offenses. Indirect costs are not recoverable since only staff whose primary responsibility is the care, custody, or supervision of persons detained (pre-trial detention) and incarcerated (convicted and sentenced) inmates are allowable in the calculation. Use of award funds has been designated by the Bureau of Justice Assistance for corrections purposes only. (C-50-09-027-G-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

16. ONE-TIME ADDITION TO FLEET OF 2007 FWT CUSTOM TRAILER

Approve a one-time addition to the fleet of a second 2007 FWT Custom Trailer for a mobile repeater which is valued at \$83,237.23. The Sheriff's Office was awarded funding allowing for this purchase from the 2007 Arizona Department of Homeland Security Award number 333212-01 that was approved by the Board of Supervisors on December 19, 2007 (C-50-08-539-3-00).

Approval to accept this one-time addition to fleet will provide the Sheriff's Office a mobile repeater that can be deployed to an area with any mobile command vehicle to create a stand alone communication system with a significant area of coverage. Estimated annual operating costs begin after the one-year warranty expires and are anticipated to vary from

zero to \$1,000 depending on use. This trailer has no continuing operating costs. Any costs incurred for maintenance will be considered one time and will be supported through the Intelligence Bureau, Counter Terrorism/Homeland Security Division; General Fund (100). This is a temporary addition to the fleet and will be removed at the end of its useful life with no funding from the General Fund for replacement. (C-50-08-539-3-02)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

17. AMENDED FY 2007 ANNUAL REPORT

Approve resubmitting the Amended FY 2007 Annual Report originally approved by the Board of Supervisors on August 20, 2008 in agenda item C-50-07-003-2-02.

This report is associated with the Federal Equitable Sharing Agreement. The federal government has requested that the data previously submitted on the Amended FY 2007 Report, approved by the Board on August 20, 2008, be re-submitted on newly released forms for processing. (C-50-07-003-2-03)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

18. BOOK DONATIONS FROM INMATE LIBRARY

Pursuant to A.R.S. § 11-251(9), approve the donation of books from the Sheriff's Office Inmate Library to include any 501(C)(3) charitable organizations as appropriate. These books are functionally obsolete with little or no salvage value.

The Sheriff's Office regularly receives donations of books from local libraries and citizens of little or no monetary value to be used in the jails. Approval of this agenda item expands the number of organizations that can receive books that might otherwise be placed in the recycle bin. (C-50-08-044-M-01)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

19. EXEMPTION FROM MARKINGS FOR DEEP UNDERCOVER VEHICLES

Pursuant to A.R.S. §38-538-03 and §28-2511(A), approve the issuance of non-governmental license plates and exemption from county markings for two RICO deep undercover vehicles, forfeited under CV #2005-010838 and CV # 2008-002424, replacing two RICO vehicles being sold at auction. These replacement vehicles, which are part of the Sheriff's fleet of up to fifty deep undercover vehicles, will be used for enforcement undercover operations where regular plates impair the success of the case and safety of the officer. A detailed cross-referenced list of vehicle identification numbers is kept on file with the Clerk of the Board. (C-50-09-028-V-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

20. ONE TIME ADDITION TO FLEET OF TWO TRAILERS FOR SEIZED JET SKIS

Approve the temporary addition to fleet of one Long Run trailer (year unknown) and one 1996 Zieman trailer, that are valued at approximately \$1,000 each and are seized property currently in Sheriff's Impound Operations. These trailers will be used by the Sheriff's Lake Patrol Division for the purpose of hauling jet skis that are seized during arrests.

There are no annual operating and maintenance costs. These vehicles are one-time additions to fleet that will be retired when they are no longer useful with no funding from the General Fund for replacement. (C-50-09-029-V-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

21. CORRECTIONS TO PREVIOUSLY REPORTED DONATIONS

Accept the following corrections in donations greater than \$250 reported to the Board for the Sheriff's Office and approved on June 18, 2008 (C-50-08-057-M-00). The total amount should be \$4,950, not \$8,495 and the amount from Samuel Drewen should be \$300, not \$3,845. (C-50-08-057-M-01)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilson
Nays: Wilcox
Absent: Stapley

22. IGA WITH AZ DEPARTMENT OF PUBLIC SAFETY FOR AZ COUNTER TERRORISM INFORMATION CENTER LEVEL B

Approve the Intergovernmental Agreement (IGA) between the State of Arizona Department of Public Safety (DPS) and Maricopa County on behalf of the Maricopa County Sheriff's Office for participation in the State of Arizona Counter Terrorism Information Center (ACTIC). This Agreement becomes effective upon the approval and filing with the Secretary of State, signed by both parties, and will terminate upon a 30-day written notice by either party.

This IGA is for the Statewide Terrorism Liaison Officer Program, Urban Area Security Initiative (UASI) Level B. This is to enhance domestic preparedness Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE) response services concerning the activities of terrorism. (C-50-09-030-3-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

23. IGA WITH AZ DEPARTMENT OF PUBLIC SAFETY FOR AZ COUNTER TERRORISM INFORMATION CENTER LEVEL A

Rescind the action approving the former version of this agreement by the Board on September 6, 2006 (C-50-07-011-2-00), and approve the revised Intergovernmental Agreement (IGA) between the State of Arizona Department of Public Safety (DPS) and Maricopa County on behalf the Maricopa County Sheriff's Office for participation in the State of Arizona Counter Terrorism Information Center (ACTIC). This Agreement is retroactive from September 11, 2006, and will terminate upon a 30-day written notice by either party.

This IGA is for the Statewide Terrorism Liaison Officer Program, Urban Area Security Initiative (UASI) Level A. This is to enhance domestic preparedness Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE) response services concerning the activities of terrorism. (C-50-07-011-2-01)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

24. REVISED MONTHLY DONATION REPORT

In accordance with County Policy A2805, accept the revised monthly donation report received from Sheriff's Office for July 2008. Donation reports are on file in the Clerk of the Board's Office. (C-06-09-171-7-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilson
Nays: Wilcox
Absent: Stapley

COUNTY MANAGER

Crime Prevention - Meth Program

25. ARIZONA METH PROJECT DONATION FROM SCF ARIZONA

Accept donation of \$25,000 from SCF Arizona (State Compensation Fund) for the AZ METH PROJECT. This action will require an appropriation adjustment to General Fund (100) Non-departmental (470) Other Programs (4712) Non-recurring (0001) line item titled "Meth Project," increasing the FY 2008-09 revenue and expenditure budgets by \$25,000. Donation revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C-42-09-006-D-00)

Supervisor Wilson thanked the State Compensation Fund for their donation of \$25,000 to fight methamphetamine use in Arizona.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Government Relations

26. ACCEPTANCE AND IGA FOR INDIAN GAMING GRANT FUNDS FOR MARICOPA COUNTY COLLEGE DISTRICT ACE PROGRAM

Pursuant to A.R.S. 5-601.02, authorize the acceptance of and pass-through of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Salt River Pima-Maricopa Indian Community for the Maricopa County College District ACE Program in an amount not-to-exceed \$25,000 for FY2008-09. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Salt River Pima-Maricopa Indian Community and Maricopa County solely for the purposes of

acceptance and distribution of funds, upon review and approval of assigned legal counsel. Pursuant to ARS § 42-17106(b), approve an appropriation adjustment to Non-Departmental (470), Non-Departmental Grant Fund (249), Function Code 0000, increasing the FY 2008-09 revenue and expenditure budgets not to exceed \$25,000. Indirect costs are not applicable to Tribal Gaming Grants. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C-20-09-027-G-00)

Supervisor Wilcox said this Community College ACE Program is one of the greatest programs around. It helps junior and senior high school students adjust to a college setting by providing college courses for them to take while still in high school. These courses will provide college credit to help accelerate the time students spend in college.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

DEPUTY COUNTY MANAGER

Public Health

27. PURCHASE ORDER FROM ARIZONA DEPARTMENT OF HEALTH SERVICES FOR PUBLIC HEALTH EMERGENCY MANAGEMENT - CRI

Approve the Purchase Order (E9H27899) from Arizona Department of Health Services (ADHS) to Maricopa County through its Department of Public Health for additional funding for the Intergovernmental Agreement (IGA) HG754199 for the Public Health Emergency Management Program (PHEM) for City Response Initiative (CRI). The purchase order allows to encumber in full a total not-to-exceed \$1,178,365 for the budget period starting August 1, 2008 through August 9, 2009. Also, approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532, Function Code 0000) associated with the aforementioned grant in an amount of (\$349,434) for FY 2008-09. The appropriations adjustment is necessary because budget estimate included in the FY 2008-09 adopted budget is greater than actual award. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. The Department of Public Health indirect rate for FY 2008-09 is 18.0%. Indirect costs are estimated at \$179,751 all of which is fully recoverable.

Funds for this IGA are provided by a grant from ADHS and do not increase the County's general fund. Estimated amount of \$1,429,312 was included in FY 2008-09 adopted budget. (C-86-07-050-2-05)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

28. CONTRACT AGREEMENT WITH CHILD AND FAMILY RESOURCES, INC. FOR FAMILY SUPPORT/FAMILY PRESERVATION SERVICES

Approve the contract agreement from Child and Family Resources, Inc. and Maricopa County, through its Department of Public Health (MCDPH), for the Choices for Families (Safe and Stable Families) Project. This contract Agreement provides for a fixed payment of \$4,363 per month for a total of \$52,356 to MCDPH for the contract term starting October 1, 2008 and ending September 30, 2009. Maricopa County Department of Public Health indirect cost rate for FY 2008-09 is 18%. This grant allows for full indirect costs. Full indirect costs are estimated at \$7,986 all of which is recoverable.

An appropriation adjustment is not requested at this time by Public Health (860) Grant Fund (532) operating budget (0000), as these funds were included in the FY 2008-09 adopted budget. Of the total grant award, \$39,266 was already included in the FY09 adopted budget. (C-86-09-031-3-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

29. AMENDMENT TO IGA WITH BUCKEYE ELEMENTARY SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Approve Amendment No. 3 to Intergovernmental Agreement (IGA) with the Buckeye Elementary School District to extend the term of the IGA from May 2, 2008 through May 1, 2009, and increase the contract by \$6,000 to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment brings the IGA to a new not-to-exceed aggregate amount of \$19,500 for the term July 1, 2006 through May 1, 2009. All other term and conditions of the original Agreement shall remain in full force and effect. (C-86-07-402-2-03)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

30. AMENDMENT TO IGA WITH LAVEEN ELEMENTARY SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Approve Amendment No. 3 to Intergovernmental Agreement (IGA) with the Laveen Elementary School District to extend the term of the IGA from May 2, 2008 through May 1, 2009 and increase the contract by \$6,000 to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment brings the IGA to a new not-to-exceed aggregate amount of \$22,000 for the term July 1, 2006 through May 1, 2009. All other term and conditions of the original Agreement shall remain in full force and effect. (C-86-07-407-2-03)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

31. AMENDMENT TO IGA WITH MOBILE ELEMENTARY SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Approve Amendment No. 2 to Intergovernmental Agreement (IGA) with the Mobile Elementary School District to extend the term of the IGA from May 2, 2008 through May 1, 2009, and increase the contract by \$1,500 to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment brings the IGA to a new not-to-exceed aggregate amount of \$4,500 for the term July 1, 2006 through May 1, 2009. All other term and conditions of the original Agreement shall remain in full force and effect. (C-86-07-409-2-02)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

32. AMENDMENT TO IGA WITH SCOTTSDALE UNIFIED SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Approve Amendment No. 2 to Intergovernmental Agreement (IGA) with the Scottsdale Unified School District to extend the term of the IGA from June 2, 2008 through June 1, 2009, and increase the contract by \$12,000 to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment brings the IGA to a new not-to-exceed aggregate amount of \$87,500 for the term July 1, 2006 through June 1, 2009. All other term and conditions of the original Agreement shall remain in full force and effect. (C-86-07-413-2-03)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

33. AMENDMENT TO IGA WITH BALSZ SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Approve Amendment No. 2 to Intergovernmental Agreement (IGA) with the Balsz School District to extend the term of the IGA from May 2, 2008 through May 1, 2009, and increase the contract by \$6,000 to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment brings the IGA to a new not-to-exceed aggregate amount of \$21,000 for the term July 1, 2006 through May 1, 2009. All other term and conditions of the original Agreement shall remain in full force and effect. (C-86-07-415-2-02)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

34. AMENDMENT TO IGA WITH CAVE CREEK SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Approve Amendment No. 2 to Intergovernmental Agreement (IGA) with the Cave Creek School District to extend the term of the IGA from May 2, 2008 through May 1, 2009, and increase the contract by \$7,500 to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment brings the IGA to a new not-to-exceed aggregate amount of \$31,000 for the term July 1, 2006 through May 1, 2009. All other term and conditions of the original Agreement shall remain in full force and effect. (C-86-07-416-2-02)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

35. AMENDMENT TO IGA WITH GILBERT UNIFIED SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Approve Amendment No. 3 to Intergovernmental Agreement (IGA) with the Gilbert Unified School District to extend the term of the IGA from May 2, 2008 through May 1, 2009, and increase the contract by \$18,000 to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment brings the IGA to a new not-to-exceed aggregate amount of \$116,500 for the term July 1, 2006 through May 1, 2009. All other term and conditions of the original Agreement shall remain in full force and effect. (C-86-07-419-2-03)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

36. AMENDMENT TO IGA WITH PARADISE VALLEY UNIFIED SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Approve Amendment No. 3 to Intergovernmental Agreement (IGA) with the Paradise Valley Unified School District to extend the term of the IGA from May 2, 2008 through May 1, 2009, and increase the contract by \$12,000 to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment brings the IGA to a new not-to-exceed aggregate amount of \$109,000 for the term July 1, 2006 through May 1, 2009. All other term and conditions of the original Agreement shall remain in full force and effect. (C-86-07-423-2-03)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

37. AMENDMENT TO GRANT AWARD FOR WOMEN AND CHILDREN'S COMMUNITY HEALTH GRANT

Approve Amendment No. 2 to the Grant Award (HG754060-005) from the Arizona Department of Health Services to Maricopa County through its Department of Public Health (MCDPH) for the Women and Children Community Health Group. This amendment extends the term of the award through December 31, 2009. In addition, Amendment No. 2 will also make administrative changes to the Terms and Conditions as detailed in the signed Amendment. All other terms and conditions shall remain in effect. (C-86-07-041-3-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

38. AMENDMENT TO IGA WITH PENDERGAST SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Approve Amendment No. 3 to Intergovernmental Agreement (IGA) with the Pendergast School District to extend the term of the IGA from May 2, 2008 through May 1, 2009, and increase the contract by \$7,500 to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment brings the IGA to a new not-to-exceed aggregate amount of \$47,500 for the term July 1, 2006 through May 1, 2009. All other term and conditions of the original Agreement shall remain in full force and effect. (C-86-07-424-2-03)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

39. AMENDMENT TO IGA WITH QUEEN CREEK SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Approve Amendment No. 2 to Intergovernmental Agreement (IGA) with the Queen Creek School District to extend the term of the IGA from May 2, 2008 through May 1, 2009, and increase the contract by \$7,500 to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment brings the IGA to a new not-to-exceed aggregate amount of \$23,000 for the term July 1, 2006 through May 1, 2009. All other term and conditions of the original Agreement shall remain in full force and effect. (C-86-07-426-2-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

40. AMENDMENT TO IGA WITH FOWLER SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Approve Amendment No. 3 to Intergovernmental Agreement (IGA) with the Fowler School District to extend the term of the IGA from May 2, 2008 through May 1, 2009 and increase the contract by \$7,500 to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment brings the IGA to a new not-to-exceed aggregate amount of \$27,500 for the term July 1, 2006 through May 1, 2009. All other term and conditions of the original Agreement shall remain in full force and effect. (C-86-07-462-2-03)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

41. RESCIND PREVIOUS ACTION AND APPROVE AMENDMENT TO IGA WITH SPECIAL HEALTH CARE DISTRICT FOR WELL WOMAN HEALTHCHECK SERVICES

1. Rescind the action on September 17, 2008 (C-86-08-044-2-04) regarding the approval of Amendment No. 3 to Intergovernmental Agreement (IGA) between Maricopa County Special Health Care District, d.b.a. Maricopa Integrated Health System (MIHS) and Maricopa County through its Department of Public Health (MCDPH), to provide Well Woman Healthcheck services to uninsured or underinsured women. The previous action request included text in the amendment that was stated incorrectly. This action removes completely the previous action regarding amendment No. 3. 2. Approve Amendment No. 3 to the Intergovernmental

Agreement (IGA) between Maricopa County Special Health Care District, d.b.a. Maricopa Integrated Health System (MIHS) and Maricopa County through its Department of Public Health (MCDPH), to provide Well Woman Healthcheck services to uninsured or underinsured women. Amendment No. 3 increases the IGA by \$25,000 for a not-to-exceed amount of \$155,000 for the budget period July 1, 2007 through June 30, 2009. In addition, Amendment No. 3 authorizes that any increases in the amount of the IGA shall be accomplished through Purchase Orders issued by the County. All other terms and conditions of the original IGA shall remain in full force and effect.

This agreement is a subcontract to IGA (HG761266) between Maricopa County through its Department of Public Health, and the Arizona Department of Health Services (ADHS) and does not increase the county general fund. Reimbursement to subcontractors is on a per enrollee basis at a rate established by ADHS. Additional funding is provided by the Phoenix Affiliate of the Susan G. Komen Breast Cancer Foundation and does not increase the county general fund. This funding augments Well Woman Healthcheck services and provides additional funds for diagnostic and treatment services. (C-86-08-044-2-05)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

42. AMENDMENT TO IGA WITH CREIGHTON SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Approve Amendment No. 2 to Intergovernmental Agreement (IGA) with the Creighton School District to extend the term of the IGA from May 2, 2008 through May 1, 2009, and increase the contract by \$12,000 to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment brings the IGA to a new not-to-exceed aggregate amount of \$37,000 for the term July 1, 2006 through May 1, 2009. (C-86-07-417-2-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

43. AMENDMENT TO IGA WITH KYRENE SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Approve Amendment No. 2 to Intergovernmental Agreement (IGA) with the Kyrene School District to extend the term of the IGA from May 2, 2008 through May 1, 2009, and increase the contract by \$6,000 to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment brings the IGA to a new not-to-exceed aggregate amount of \$86,000 for the term November 1, 2006 through May 1, 2009. (C-86-07-483-2-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Workforce Management and Development

44. PEAK PERFORMERS PROGRAM FOR CALENDAR YEAR 2009

Renew the Peak Performers Program (also known as the Spot Award Program) as a continuing employee recognition program for FY 2008-09, to allow for the purchase of American Express Gift Cards (02059-RFP) in denominations of 25 points, for a total of 175 points per FTE, with a maximum award of 50 points per employee per event; for both General Fund and Non-General Fund departments, with total program cost of not-to-exceed \$2,340,165: \$1,219,643 General Fund and \$1,120,522 Non-General Fund. These gifts cards have no cash value. The General Fund portion of \$1,219,643 is budgeted in Dept (470) Fund (100) Org (4712) Other Programs line item "Workforce Development Peak Performers" split between operating (0000) and Non-Operating (0001). The Non General Fund portion of \$1,120,522 must be absorbed in the other funds budgets by Departments. The program year will cover the period from December 1, 2008, through December 31, 2009. Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority in the amount of \$950,000 from FY 2008-09 Non-Departmental (470) General Fund (100) Other Programs (4712) Non-Recurring (0001) line item "Executive Compensation/Deferred Compensation" to a new line item in Non-Departmental (470) General Fund (100) Other Programs (4712) Non-recurring (0001) entitled "Workforce Development Peak Performers." (C-31-09-003-6-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

ASSISTANT COUNTY MANAGER - COMMUNITY COLLABORATION

Animal Care & Control Services

45. AGREEMENT WITH SPRINGERPAW RANCH FOR NEW HOPE PROGRAM

Approve an Agreement between Deborah Bessette, d.b.a. Springerpaw Ranch Rescue & Sanctuary, P O Box 1024, Tonopah, AZ 85354-0904, and Maricopa County to allow Springerpaw Ranch Rescue & Sanctuary under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 60 new hope rescues over the term of the agreement, for a total of \$2,400. The term of this Agreement is from November 6, 2008 through June 30, 2009. (C-79-09-036-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

46. DONATION

Accept the monetary donation from Jean Tichenor of Paradise Valley, AZ in the amount of \$500 for the care of the animals. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law.

The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-09-037-D-00)

Supervisor Brock thanked Jean Tichenor for her \$500 contribution to the care of animals.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Community Development

47. NONPROFIT ECONOMIC DEVELOPMENT CONTRACT - GREATER PHOENIX ECONOMIC COUNCIL

Approve a Contract between Greater Phoenix Economic Council (GPEC) and Maricopa County through the Community Development Department, in the not-to-exceed amount of \$644,776. The purpose of this Contract is to Provide FY 2008-2009 nonprofit economic development funding to the Greater Phoenix Economic Council (GPEC) for purposes to include regional marketing and promotion to improve the region's business image, industry prospecting to diversify the economy through the attraction and expansion of desirable business and industry in key economic clusters, and facilitating regional economic development collaborations to build a strong business climate and develop an effective regional economic development network of organizations with a common vision and mission. This Contract is effective from July 1, 2008 until June 30, 2009. (C-20-09-019-3-00)

Supervisor Wilcox commented that the following items bring opportunities for economic development to the County, many of which are manufacturing in nature, and these provide great benefits to the County.

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

48. NONPROFIT ECONOMIC DEVELOPMENT CONTRACT - GREATER PHOENIX CHAMBER OF COMMERCE

Approve a Contract between Greater Phoenix Chamber of Commerce and Maricopa County through the Community Development Department, in the not-to-exceed amount of \$165,000. The purpose of this Contract is to Provide FY 2008-2009 nonprofit economic development funding to the Greater Phoenix Chamber of Commerce for purposes to include enrolling businesses into the Bid Source Program, matching contract bid requests with local business competencies and providing technical assistance that will help local businesses to successfully compete for available contracts. Activities will include regional marketing and promotion, industry prospecting; and facilitating regional economic development collaborations. This Contract is effective from July 1, 2008 until June 30, 2009. (C-20-09-020-3-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

49. NONPROFIT ECONOMIC DEVELOPMENT CONTRACT - COLLABORATION FOR A NEW CENTURY

Approve a Contract between Collaboration for a New Century and Maricopa County through the Community Development Department, in the not-to-exceed amount of \$25,000. The purpose of this Contract is to Provide FY 2008-2009 nonprofit economic development funding to the Collaboration for a New Century for purposes to include group and one-on-one technical assistance and training to up to 18 community and faith-based organizations in the following topical areas: strategic planning, process improvements, marketing, staff and board development, technology, capital improvements, finances, fundraising, and developing partnerships. This Contract is effective from July 1, 2008 until June 30, 2009. (C-20-09-021-3-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

50. NONPROFIT ECONOMIC DEVELOPMENT CONTRACT - EAST VALLEY PARTNERSHIP

Approve a Contract between East Valley Partnership and Maricopa County through the Community Development Department, in the not-to-exceed amount of \$15,000. The purpose of this Contract is to Provide FY 2008-2009 nonprofit economic development funding to the East Valley Partnership for purposes to include collaboration with local and regional economic development agencies; support for foundational improvements in areas that highly impact the region; leadership and oversight for the East Valley; and promotion of a connection between economic development, workforce development, and training and education. This Contract is effective from July 1, 2008 until June 30, 2009. (C-20-09-023-3-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

51. NONPROFIT ECONOMIC DEVELOPMENT CONTRACT - SOUTHWEST VALLEY CHAMBER OF COMMERCE

Approve a Contract between Southwest Valley Chamber of Commerce and Maricopa County through the Community Development Department, in the not-to-exceed amount of \$3,000. The purpose of this Contract is to Provide FY 2008-2009 nonprofit economic development funding to the Southwest Valley Chamber of Commerce for purposes to include purchase and installation of one multimedia kiosk in a prominent Southwest Valley location and connection of 25 businesses to prospective customers through the use of the kiosk. This Contract is effective from July 1, 2008 until June 30, 2009. (C-20-09-022-3-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

52. NONPROFIT ECONOMIC DEVELOPMENT CONTRACT - GREATER PHOENIX CONVENTION AND VISITORS BUREAU

Approve a Contract between Greater Phoenix Convention and Visitors Bureau and Maricopa County through the Community Development Department, in the not-to-exceed amount of \$250,000. The purpose of this Contract is to provide FY 2008-2009 nonprofit economic development funding to the Greater Phoenix Convention and Visitors Bureau for purposes to include conducting familiarization trips for meeting planners considering booking conventions in the metro area; conducting sales missions to major cities to familiarize the selected markets; focusing on attracting "express" meetings market and multi-cultural organization meetings and conventions; developing and conducting a marketing campaign; highlighting the Maricopa County Events Center, Chase Field, or other county-owned sites in the Meeting Professional Guide; and other related activities.. This Contract is effective from July 1, 2008 until June 30, 2009. (C-20-09-028-3-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Human Services

53. AMENDMENT TO CONTRACT WITH FOUNDATION FOR SENIOR LIVING HOME IMPROVEMENTS

Approve Amendment No. 4 to Contract C-22-08-089-1-03, between Maricopa County through its Human Services Department and FSL Home Improvements, an affiliate corporation of the Foundation for Senior Living, a not-for-profit organization, to perform Weatherization and Utility Repair/Replacement services for low income families. Funding in this contract has been reduced by \$14,791, from \$1,149,262 to \$1,134,471. This funding is provided to Maricopa County from sources such as: Arizona Department of Commerce Energy Office (DOC), Arizona Public Service (APS) Southwest Gas (SWG), Salt River Project (SRP), and Arizona Department of Economic Security (AZ DES). This Amendment is effective from July 1, 2008 to June 30, 2009. (C-22-08-089-1-04)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

54. HEAD START POLICIES AND PROCEDURES

Approve the following described Head Start Policies and Procedures and Standards of Conduct as recommended by the Maricopa County Head Start Zero-Five Program. 1. Policy Council Community Representative Selection Policy and Procedure, No. 11.04: This procedure outlines the steps required to select community representatives to serve on the Policy Council. 2. Policy Council Staff Termination Policy and Procedure, No. 11.03: This procedure outlines the process for involving the Policy Council in the termination of Maricopa County Head Start Zero-Five Program staff. 3. Self Assessment Policy and Procedure, No. 12.09: This procedure outlines how the Maricopa County Head Start Zero-Five Program conducts an annual program self assessment as required by Head Start Performance Standards. 4. Head Start Standards of Conduct: These Standards of Conduct outline how the staff of the Maricopa County Head Start Zero-Five Program is expected to represent themselves and the program.

Some of the responsibilities of the Board of Supervisors outlined in the Head Start Act amended December 12, 2007, include the following. 1) Reviewing and approving all major policies of the agency, including a) the annual self-assessment and financial audit; b) personnel policies of such agencies regarding the hiring, evaluation, termination, and compensation of agency employees; and, 2) Developing procedures for how members of the Policy Council are selected. (C-22-09-110-6-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

55. MEMORANDUM OF UNDERSTANDING WITH BUCKEYE OUTREACH FOR SOCIAL SERVICES

Approve the Memorandum of Understanding (MOU) between Buckeye Outreach for Social Services and Maricopa County administered by its Human Services Department to provide Producing Leaders of Tomorrow (PLOT) program activities to Buckeye Outreach for Social Services youth participants. Funding for these activities is provided through Arizona State Department of Economic Security (C-22-09-094-G-00). This MOU is non-financial and is effective upon signature by both parties and will expire August 31, 2009. (C-22-09-111-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

56. AUTHORIZE PAYMENT TO AMPCO PARKING FOR LEASED PARKING SPACES

Authorize the Human Services Department to expend funds for the purpose of payments to AMPCO Parking for leased parking spaces from AMPCO Parking for leased spaces next to the Security Building located at 234 N. Central Avenue. The amount for FY 2008-09 will not exceed \$45,000. The amount for FY 2009-10 will not exceed \$45,000 and the amount for FY 2010-11 will not exceed \$45,000. The funds are allocated from each of the Departments individual divisions. The vendor is paid through Purchase Order # PG08221AM0017 issued by Materials Management Department for FY's 2008-2011. (C-22-09-113-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Medical Examiner

57. EXECUTIVE COMPENSATION PACKAGE

Approve an Executive Compensation Package (ECP) for David Boyer, Unclassified Director of the Office of the Medical Examiner's Office; awarding a Schedule 4 Leave Accrual Rate effective May 19, 2008.

The ECP agreement will authorize a deposit of 7.9 hours of PTO hours per pay period to Mr. Boyer's leave balance and award him a Schedule 4 Leave Accrual Rate to be effective May 19, 2008. Mr. Boyer accepted the position as the Director of the Medical Examiner effective May 19, 2008. The request for this action will increase his PTO accrual from 6.9 hours per pay period. His current 2.3 FML hour will remain the same. (C-29-09-002-M-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

58. AFFILIATION AGREEMENT WITH UNIVERSITY OF ARIZONA, ARIZONA HEALTH SCIENCES CENTER

Approve an Affiliation Agreement between Arizona Board of Regents acting on behalf of The University of Arizona, Arizona Health Sciences Center (Colleges of Medicine, Nursing, Pharmacy, and Public Health), and Maricopa County through the Office of Medical Examiner, for the purpose of providing coordinated clinical educational programs for the education and training of health science students and to cooperate in the development of settings for coordinated clinical, educational, research and public service programs of interest to the University and Maricopa County. This Affiliation Agreement is non-financial. The term of this Agreement is June 15, 2008 and shall terminate on June 14, 2009. (C-29-09-004-3-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

CHIEF FINANCIAL OFFICER

Finance

59. FUNDS TRANSFERS; WARRANTS

Approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Parks and Recreation

60. CERTIFICATES OF INCLUSION WITH ARIZONA GAME & FISH AND US FISH AND WILDLIFE UNDER AUTHORITY OF SAFE HARBOR AGREEMENT

Approve Certificates of Inclusions between Arizona Game & Fish Department (AGFD) with the concurrence of the U.S. Fish and Wildlife Service (USFWS) and Maricopa County Parks and Recreation Department as Cooperators under the authority of the Safe Harbor Agreement entered into on March 12, 2008 between AGFD and the USFWS in order to carry out conservation efforts for the benefit of topminnow and pupfish. Each aquatic location within the county parks system would require a separate Certificate of Inclusion. This action will allow the Director of Parks & Recreation to enter into these inclusion agreements provided they are in the same form as the template provided in Appendix 2 of the Safe Harbor agreement. Any changes to the form would require a separate agenda item. There is no financial impact. (C-30-09-011-3-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

61. NAMING OF THE BUCKEYE HILLS PUBLIC SHOOTING RANGE

Approve re-naming the Maricopa County Buckeye Hills Shooting Range Complex (the entire facility) to be named the "General Joe Foss Shooting Complex at Buckeye Hills" and naming the 200-yard Rifle Range at the complex to be named the "Ensign John C. Butler Rifle Range." The Facilities Review Committee and the Parks & Recreation Advisory Commission have reviewed the names and have made the recommendations. This facility is in District 5. (C-30-09-014-M-00)

Chairman Kunasek said this is a beautiful facility that is dedicated to gun ownership. He noted that he had known General Joe Foss and was well aware of his proud career that was filled with great accomplishments. General Foss was the recipient of the Congressional Medal of Honor, a Colonel during WW II in the United States Air Force and a WW II and Korean War fighter ace. He was later the Governor of South Dakota and President of the National Rifle Association. Chairman Kunasek said he was privileged to work with General Foss for many years on the Arizona NRA dinner committee, raising money to promote responsible firearm ownership. General Foss spent around 30 years in the Valley and passed away six years ago in Scottsdale.

Supervisor Wilcox said the Town of Buckeye had asked that the rifle range be named after Ensign John Butler, who was born in Liberty AZ and was the approximate age of General Foss. In the battle of Midway in WW II Butler and his fighter squadron attacked and sank three enemy flattops. He received the Navy Cross.

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES

Environmental Services

62. TRANSFER OF CONTINGENCY FUNDS FOR THE STORMWATER PROGRAM

Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority in the amount of \$189,034 from FY 2008-09 Non-Departmental (470) General Fund (100) Contingency (4711) Operating (0000) titled "Stormwater Enforcement" to Non-Departmental (470) General Fund (100) Other Programs (4712) Operating (0000) entitled "Stormwater Management." This action authorizes the transfer of contingency funds for the Stormwater Program to achieve measurable goals of the EPA's six minimum control measures. This request funds three FTE's (\$182,134), supplies and services (\$4,500), and capital (Three laptops at \$2,400 annually via Technology Finance Program) in the Stormwater program that assists in initiating further actions to ensure County compliance under the terms of Maricopa County's Stormwater permit to achieve improved compliance.

On December 18, 2007, Maricopa County applied for coverage under a Phase II Small Municipal Separate Storm Sewer System (MS4) General Permit issued by the Arizona Department of Environmental Quality (ADEQ). As a permittee the County is required to meet certain performance standards. Implementation of the "maximum extent practicable" (MEP) standard requires that in accordance with its permit, Maricopa County will develop and implement "Best Management Practices (BMP's)" and the achievement of measurable goals to satisfy each of the six minimum control measures that must be addressed in its stormwater management program. The six minimum control measures are: (1) public education and outreach on Stormwater impacts; (2) public involvement/participation; (3) illicit discharge detection and elimination; (4) construction site stormwater runoff control; (5) post-construction Stormwater management; and (6) pollution prevention/good housekeeping for municipal operations. 40 C.F.R. § 122.34(b). (C-88-09-005-2-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

ASSISTANT COUNTY MANAGER - PUBLIC WORKS

Public Works

63. AMENDMENT TO TRANSWESTERN V. MARICOPA COUNTY

Approve authorization to amend the settlement of Transwestern Pipeline Company, LLC v. Maricopa County, CV-07-2333-Phx-JWS (consolidated) for additional compensation of \$705,000.00 to be paid to Maricopa County.

On April 9, 2008, the Board approved settlement in the above cases (which include CV-07-2333-PHX-JWS, CV-07-2337-PHX-JWS and CV-07-2340-PHX-JWS) for the amount of \$700,000.00 (Agenda No. C-19-08-048-M-00). Subsequently, Transwestern approached Maricopa County indicating additional land was needed to complete its gas pipeline project – 7.58 acres of permanent easement and 6.37 acres of temporary workspace easement. Utilizing the same valuation terms as the original settlement, Maricopa County and Transwestern agreed to additional compensation in the amount of \$705,000.00, subject to approval by the Board. This additional compensation brings the total settlement amount for the three cases filed against Maricopa County to \$1,405,000.00. This proposed settlement on all the property being acquired by Transwestern will be effectuated by a stipulated judgment which will be filed with the Clerk of the Board when it is entered by the Court. Supervisorial District 4. (C-19-08-048-M-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

64. BID AND AWARD FOR RUBBERIZED BITUMINOUS SURFACE TREATMENT

Approve the solicitation of bids for the Maricopa County Department of Transportation's Rubberized Bituminous Surface Treatment, FY 09 Work Order No. 30050054; and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by ten percent.

This project consists of approximately 112.26 lane miles of existing road surfaces to be treated with a rubberized bituminous material. To complete the project, replacement or installation of pavement delineation and other miscellaneous work items are required.

Supervisory District No(s). 2, 3 and 5. (C-91-09-056-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

65. ANNEXATION (RIGHT OF WAY) BY THE CITY OF EL MIRAGE

Pursuant to A.R.S. §9-471(N), approve the annexation by the City of El Mirage of County right-of-way within: Dysart Road from Peoria Avenue to Varney Road, in accordance with Ordinance No.008-06-08. Supervisory District No. 4. (C-91-09-058-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

66. ASSIGNMENT OF STATE LAND RIGHT OF WAY TO CITY OF SURPRISE

Approve an application to assign Maricopa County's interest in a right of way granted by the Arizona State Land Department on January 15, 1999. Our interest in the right of way will be assigned to the City of Surprise, a municipal corporation. The right of way, known as Arizona State Land Department R/W No. 16-104394, is for the South eighty (80) feet of the Southeast quarter of Section 36, T5N, R2W, G&SRB&M, Maricopa County, Arizona on the Jomax Road alignment between 167th Avenue and 163rd Avenue. The area has been annexed by the City of Surprise and is now under the city's jurisdiction.

The Arizona State Land Department requires that we follow their administrative rules and regulations in the transfer of state trust property rights, by having both the County (Assignor) and the City (Assignee) sign the application for the assignment and assumption of interest. Supervisory District: 4. (C-91-09-057-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

67. REVISED QUIT CLAIM DEEDS WITH TOWN OF QUEEN CREEK

Approve and execute revised Quit Claim Deeds QC-SEC.-09 and QC-SEC.-10 from Maricopa County to the Town of Queen Creek. The two Quit Claim Deeds were previously approved by the Board of Supervisors on May 3, 2006 (C-64-06-228-0-00). The two Quit Claim Deeds are revised to remove Germann Road between Hawes Road and Ellsworth Road as an identified road being transferred to the Town of Queen Creek.

Maricopa County entered into an Intergovernmental Agreement (C-64-06-292-2-00) with the Town of Queen Creek to transfer Thirty-three roadway segments to the Town of Queen Creek (IGA recorded in MCR 2006-1027227). In order to facilitate the transfer and annexation of these roadways, Maricopa County quit claimed rights in these roadways to the Town of Queen Creek. The Quit Claim Deeds were approved by the Board of Supervisors on the May 3, 2006 agenda. The two Quit Claim Deeds for Section Nine (9) and Section Ten (10) of Township Two South, Range Seven East erroneously included a reference to Germann Road that was not part of the Intergovernmental Agreement. The two Quit Claim Deeds QC-SEC.-09 and QC-SEC.-10 are being submitted for Board approval with a revised legal description eliminating the reference to Germann Road by exception to the legal descriptions. Project No. TL005, Conveyance of Roadways to Town of Queen Creek. Supervisory District No. 1 (C-64-06-228-0-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

BOARD OF SUPERVISORS

Board of Supervisors

68. LETTER IN SUPPORT OF PROPOSED SPECIAL AIR TRAFFIC RULE REGARDING LUKE AIR FORCE BASE

Approve and sign a letter endorsing with full Board support the proposed establishment of a Special Air Traffic Rule (SATR) in the vicinity of Luke Air Force Base. (C-20-09-029-M-00)

Supervisor Wilson read the letter supporting SATR into the record.

November 6, 2008

Robert A. Sturgell
Acting Administrator
U.S. Department of Transportation
Federal Aviation Administration
800 Independence Avenue, SW
Washington, D.C. 20591

Dear Mr. Sturgell:

Please accept this letter as the Maricopa County Board of Supervisors' endorsement and full support of the proposed Special Air Traffic Rule (SATR) published in the Federal Register on September 26, 2008 (Docket No. FAA-2007-26470).

This rule simply requires that general aviation (GA) traffic operating under visual flight rules (VFR) establish communication with the Luke Radar Approach Control (RAPCON) while operating in the vicinity of Luke Air Force Base. Originally proposed by Luke Air Force Base, this SATR is intended to avoid potential midair collisions and is necessary tool in ensuring the continued viability of Luke Air Force Base and its vital mission.

We are proud of our relationship with Luke Air Force Base and are committed to supporting the Base and its mission while ensuring the highest level of safety for both military and general aviation aircraft. For these reasons and those discussed above, we urge you to approve this important Special Air Traffic Rule.

Sincerely,

The Maricopa County Board of Supervisors

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

SETTING OF HEARINGS

~All hearings will be held at 9:00 am, 205 W. Jefferson, Phoenix, unless otherwise noted~

Clerk of the Board

69. FORMATION PETITIONS FOR THE PROPOSED CHANDLER COUNTY ISLAND FIRE DISTRICT

Pursuant to A.R.S. § 48-851, receive the signed formation petitions for the proposed Chandler County Island Fire District located in the City of Chandler municipal planning area and set a hearing on the petition for 9:00 a.m., Tuesday, November 18, 2008. At the hearing on November 18th, the Board will order the formation of the district if the petitions are valid and appoint the three members of the organizing board of directors of the district. The order of the Board shall be final and the proposed district will be formed 30 days from the date of the Board's vote. (Supervisorial District 1) (C-06-09-160-7-00)

Supervisor Brock thanked Representative Bob Robson and Representative Andy Biggs for their work during the past five years to help enact the legislation that brought a viable solution to enable formation of County Island Fire Districts. He also thanked the mayors of the various East Valley cities and their city councils for getting through the angst they had experienced early-on in this process. He said this is a good way to replace Rural Metro's pull-out from the islands and give the residents much needed protections.

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

CONSENT AGENDA

Clerk of the Board

70. RESCIND PREVIOUS ACTION TO ACCEPT DONATIONS

Rescind the previous action taken on October 15, 2008 under C-06-09-142-7-00 to accept Library District donations for the month of September. This item was inadvertently placed as a Board of Supervisors' consent item rather than being listed as a Library District agenda item. A correct and separate agenda item is found listed on the November 6, 2008 Library District agenda under agenda item number C-06-09-161-7-00. (C-06-09-142-7-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

71. DONATIONS

In accordance with County Policy A2805, accept the monthly donation report received for the AZ METH PROJECT for October 2008. Donation reports are on file in the Clerk of the Board's Office. (C-06-09-174-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

72. DUPLICATE WARRANTS

Pursuant to A.R.S §11-632, approve and ratify the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. Necessary affidavits have been filed with the Board. Affidavits presented are on file in the Clerk of the Board's Office. (C-06-09-168-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

73. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Supervisors' meetings held August 11, 2008; August 22, 2008; August 26, 2008; and August 30, 2008. (C-06-09-163-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

74. SECURED TAX ROLL CORRECTIONS

Pursuant to A.R.S. §§42-15155, 16002, 16215, 16258, and 19118, approve requests from the Assessor for corrections of the Secured Tax Rolls Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. Resolutions on file in the Clerk of the Board's Office. (C-06-09-169-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

75. SETTLEMENT OF PROPERTY TAX CASES

Pursuant to A.R.S. §§42-16201 through 16215, approve the settlement of tax cases dated November 6, 2008. List is on file in the Clerk of the Board's Office. (C-06-09-173-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

76. TAX ABATEMENTS

Approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. List is on file in the Clerk of the Board's Office. (C-06-09-170-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

BOARD OF SUPERVISORS ADDENDUM

County Attorney

A-1. ARI CENTRAL V. MARICOPA COUNTY, TX2007-000440

Take action in response to Plaintiff's Offer of Judgment submitted in Ari Central v. Maricopa County, TX2007-000440, as discussed in Executive Session on November 6, 2008. (C-19-09-034-M-00)

The Clerk announced that this item has been withdrawn.

A-2. AUTHORIZE SETTLEMENT IN LIFE TIME FITNESS, INC. V. MARICOPA COUNTY

Authorize settlement in Life Time Fitness, Inc, v. Maricopa County, TX2005-050182, TX2006-000417, and TX2007-000625, as discussed in Executive Session on November 6, 2008. (C-19-09-033-M-00)

The Clerk announced the following amended language for this item:

"Authorize settlement in Life Time Fitness, Inc, v. Maricopa County, TX2005-050182, TX2006-000417, and TX2007-000625, consistent with the full cash values set forth in Exhibit A incorporated herein. In addition, that Maricopa County will forego appealing the tax court judgment in TX-2005-050182 as authorized by the Board of Supervisors on August 20, 2008 under C-19-09-017-M-00. This matter was discussed in Executive Session on November 6, 2008." (C-19-09-033-M-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Brock, Wilcox, Wilson

Absent: Stapley

Public Works

A-3. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. The list is on file in the Clerk of the Board's Office. (C-06-09-176-7-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Brock

Ayes: Kunasek, Brock, Wilcox, Wilson

Absent: Stapley

A-4. CHANGE ORDER WITH KNOCHEL BROTHERS, INC FOR GAVILAN PEAK PARKWAY

Approve Change Order No. 2 to Maricopa County Department of Transportation Contract No. 2008-022 with Knochel Brothers, Inc. (T243 - Gavilan Peak Parkway - North Valley Parkway to Joy Ranch Road) to construct additional lanes, a signal, and ramp modification at the interchange with I-17. This change order increases the Contract amount by \$2,500,000. Supervisorial District No. 3

Change Order Summary: Change Order No. 1 (Departmental approval 10/16/2008, \$6,029). Prior to commencement of the major earthwork activities, it was noted that there were a number of native plants, saguaros, and an ocotillo, that were in areas of either significant cut or roadway embankment slopes. This change order is to establish a payment to the

Contractor to relocate these plants outside of the slope areas, but within the right-of-way. (C-91-09-078-M-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Risk Management

A-5. SETTLEMENT IN MURILLO V. MARICOPA COUNTY

Approve Settlement in the amount of \$250,000 between Maricopa County and Margarita Murillo, et al., concerning Maricopa County Superior Court Case No. CV2007-022878, GL5000032372/MM9002030594 and authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel. This matter was discussed in Executive Session on September 29, 2008. (C-75-09-007-2-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Sheriff

A-6. DONATIONS

In accordance with County Policy A2805, accept the monthly donation report received from Sheriff's Office for September 2008 and October 2008. Donation reports are on file in the Clerk of the Board's Office. (C-06-09-177-7-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilson
Nays: Wilcox
Absent: Stapley

MEETING RECESSED

Chairman Kunasek recessed the Board of Supervisors to convene as various Boards of Directors.

MEETING RECONVENED

Chairman Kunasek reconvened the Board of Supervisors.

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

77. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.)

Ivan Brickman, Maricopa County Citizens for Safety and Accountability (MCSA), said he hoped the Board would be able to work more closely with this organization since the elections are over and tensions have eased. He then expressed his disappointment with Chairman Kunasek's behavior in refusing to interact at any level with constituents and citizens who are concerned with safety and accountability, alleging that Chairman Kunasek, "Continues to behave in a disrespectful and unprofessional manner." He asked that his group be "put on the agenda in December" to air their concerns.

Raquel Teran, MCSA, said members of her group wish to work with the Board to discuss their concerns with the Sheriff's Office. She referenced the delegation of 30 MCSA members who called a press conference in the visitor's lounge outside the Chairman's office on October 29th, wanting to see the Chairman to air several concerns. County Manager David Smith met with them to explain that the Chairman was unavailable as his calendar was filled with back-to-back meetings. She asked, "What is it going to take for us to be on the agenda" and reiterated that their group is requesting to be on the Board's December meeting agenda.

Carlos Urutia, MCSA, also referenced the impromptu press conference their group had called on the 10th floor of the County Administration Building. He said that shortly after David Smith had talked to them, Captain Smith, a Security Guard, had informed them that their 30-member group was disrupting business and must leave the floor. Mr. Urutia claimed they had not been disruptive. He thanked David Smith for "treating us like citizens and meeting with us" and asked for their group to be put on the December meeting agenda to talk about the issue of their security and of Maricopa County.

78. Supervisors'/County Manager's summary of current events.

Supervisor Wilcox congratulated Helen Purcell and Karen Osborne for organizing another excellently run election for the 68% of eligible voters who had voted. She said there were some long lines but most had moved rather smoothly.

Supervisor Brock referenced agenda item 58 - the extension of a Cooperative Agreement with the University of Arizona Medical School in downtown Phoenix. He said the Board was happy to cooperate with this and various other partners to help make Greater Phoenix and Metro Maricopa County a medical "hub" and mentioned T-Gen and ASU's research and medical efforts as important parts of this cooperative effort.

Supervisor Wilson said he was always impressed at the election process in the United States and thanked his constituents for returning him to office and congratulated voters in other Supervisorial Districts for having the wisdom to also return their County Supervisors to this office. He said that all five Board Members recognize the importance of serving the residents of this County to the best of their abilities.

The Board of Supervisors will now consider matters related to Planning and Zoning.

PLANNING AND ZONING AGENDA

David Smith and Victoria Mangiapane left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Lynn Favour, Deputy Planning and Development Director, and Wayne J. Peck, Deputy County Attorney, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

REGULAR AGENDA

1. SPECIAL USE PERMIT - PANZER PROJECT

Case Number: Z2003050
Supervisory District: 1
Applicant: John Rottweiler and Phillip Rottweiler
Location: East of Val Vista Drive and south of Warner Road (in the Gilbert area)
Request: Special Use Permit (SUP) for outdoor storage in the Rural-43 zoning district (approx. 4.91 ac.) - Panzer Project
Commission Action: Approve by vote of 9-0 subject to staff recommended stipulations "a" through "s", but with modified language to stipulation "f.1". (C-44-09-045-7-00)

Lynn Favour reported on background information for this request for a Special Use Permit for an outdoor storage unit in a Rural-43 zoning district. The site is a County Island that is surrounded by the Town of Gilbert whose general plan designates this area for residential use with 0-1 dwelling units per acre, and this proposed use is not in conformance with that general plan. Gilbert has written in opposition to this request and there was one other letter of protest.

Ms. Favour said the site formerly was used to operate a business run by these applicants, John and Phillip Rottweiler, that illegally stored large equipment, etc., without permits. A violation was filed in 2002 and a code enforcement hearing came before the Board of Supervisors on September 3, 2008, at which time the Board upheld the Order of Judgment but called for a reduction in the fine to \$13,500. An agreement for the fine to be paid in four equal installments of \$3,375 and the first payment was due on October 21 with the remaining payments due on the 21st of each subsequent month. She said the fine was for the unauthorized use of the property and the property has been cleared and this case has now been closed.

Ms. Favour said this SUP for an outdoor storage facility would provide a site for residents to store vehicles that are not allowed on the street, such as boat trailers, recreational vehicles, etc. and would be surrounded by an eight-foot high block wall. She said the Planning Commission recommended approval however, staff recommends denial in face of the opposition from Gilbert.

Bonita Rottweiler spoke for the applicants, she disagreed that there had ever been a two-way agreement on the payment of their fine, they had just received a letter saying - this is what you owe and this is when it is due. She explained there are two issues, the original violation of the business and the issuance of a SUP, which could not move forward until the violation was corrected. This is basically addressed in stipulation "d" of the SUP. She said all business equipment had been removed by December 21, 2007, and removal of the several bulky storage containers, which they had permission to extend, had been completed by February 2008. She contended the violation had been satisfied on December 21, but the SUP had not moved forward as originally stated. They were then told the SUP could not move forward until everything had been removed from the property and this was done last February. Now the SUP cannot move forward until the fine is paid. She reported several other staff inconsistencies connected with completion of compliance dates in the case that agreed with the dates she has given.

She said the Planning Commission had unanimously approved the SUP believing such

a facility was badly needed in the area. She said they worked to obtain this SUP and to notify residents in 2005 and the idea was well received, there were no complaints and storage is still a vital need in the area.

Supervisor Brock addressed Ms. Rottweiler's view that the violation and the SUP are separate entities that are being intertwined, with Planning's refusal to move the SUP until the fine is paid. He asked staff about policy that would address this concern.

Lynn Favour said there was no defined policy that addresses that although it is anticipated that violations will be removed from properties before new entitlements or new building permits are issued. "In this case there are two separate things, they have resolved the violation on the property but there are still fines due. This request for a SUP would be a new entitlement for the property."

Supervisor Brock asked staff about the agreement on paying the fine that Ms. Rottweiler refuted.

Wayne Peck explained his understanding that this had been worked out between staff and the applicant and if the applicant is now repudiating that agreement then the total amount of the fine would be due immediately.

Mr. Brock asked Ms. Rottweiler if she maintained there was no agreement. She replied that there was no agreement and the reason there was no agreement is their contention that they did not violate the 90 days, ending December 21, 2007, that they had as a deadline to vacate the business and which was vacated from the property by that date. She stated that to "vacate the business" is what is on the notice of violation to be completed by December 21, 2007, and this had been done.

She explained that the inspector was told by Rachel, who was the P&D employee handling the SUP request, that the property had to be vacant before the SUP could move forward and the inspector had co-mingled the two issues and would not listen to the meeting tape or read the violation to learn that the violation called for the removal of the business and business equipment and not for the vacancy of the lot that Rachel was insisting on.

Joy Rich, Assistant County Manager, said that the violation and the fine were not part of the item under discussion today, which is for a SUP. She added that if Ms. Rottweiler is asking for a reconsideration, "her first step is not to retry that matter here today with you." In response to a question from Supervisor Brock, Ms. Rich said that if the SUP is not approved today it would be one-year before the applicant could reapply. Discussion ensued.

Ms. Rottweiler said they are not refusing to pay the fine but they had not agreed to the payment schedule, as reported. She said if the SUP is approved they could move forward with improving the property once the fine is paid. If it is not approved today, and they have to start over, nothing can be done with the property for several years.

Supervisor Wilcox asked about the differing recommendations from staff and the Planning Commission.

Ms. Favour said the staff recommendation for denial was because of Gilbert's opposition - this is the usual practice with a SUP. The Commission felt that such a facility was so badly needed that they approved it. Discussion ensued on the fact that no improvements can begin without a SUP and no permit will be issued until the fine is paid, and any agreement to pay the fine is questionable. It was determined that this

virtually eliminates any reason to deny the SUP. In such a case, Ms. Rottweiler said she would agree to stipulation "d" as it is written.

Motion to concur with Planning and Zoning Commission recommendation for approval by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox
Nays: Wilson
Absent: Stapley

2. ANTHEM REZONE

Case Number: Z2007065
Supervisory District: 3
Applicant: Earl Curley and Lagarde
Location: West of Gavilan Peak Pkwy. and north of Daisy Mountain Drive (in Anthem)
Request: Zone change from C-O CUPD/PAD to C-2 CUPD/PAD zoning district (approx. 8.4 ac.)
Commission Action: Deny by a vote of 7-2 (C-44-09-046-7-00)

Lynn Favour reported that the next two items are related and can be taken together, the Anthem Rezone case #Z2007065 and the Americor Self Storage Special Use Permit (SUP) case #Z2008025, and she gave background information on both cases.

Letters of support have been received from the City of Phoenix and others and there has been significant neighborhood opposition to this project that includes a petition to deny. The opposition is not great enough to trigger a super-majority vote. The site is planned to hold a commercial mini-storage for RV's and boats and truck rentals. There would be nine free-standing buildings. A three-foot high wall would screen visitor parking and an eight-foot wall around the perimeter. The facility will be open seven days a week from 7:00 a.m. to 7:00 p.m. She added that the SUP does not require a zoning change. Staff does not support the zone change to C-2, feeling it is not necessary for the proposed use, and recommends denial of the zoning change, as does the Planning Commission. There is support for the SUP with recommended stipulations "a" through "q."

Those registering to speak on Planning and Development items 2 and 3 included Stephen E. Earl, for the applicant and those registering in opposition were Donna Gloschen and Pat Henson, both of the Anthem Community Council. Those registering to speak indicating no position were Pat Henson, Anthem Community Council; Ronald Jerich, Anthem residents; Donal Steinhäuser, Anthem resident; Rick Kesselman and John Pope.

Stephen Earl, for the applicant, said that from the front this indoor and outdoor storage facility will look like an attractive office building. He said the wastewater treatment plant is behind this property and closer to the freeway and the treatment plant presents some use problems for this parcel. He explained that they had marketed this property for C-0 use but no one was interested and that's why they asked for the zoning to be changed to C-2 - to allow additional use. With Americor's proposal for a 30-year SUP for a storage facility Mr. Earl agreed with staff that the C-2 zoning change was no longer necessary. He said this facility will be on the other side of an arterial street from any residence, yet convenient to residents, and would provide storage space for residents who cannot store things in the driveways or back yards in Anthem because of deed restrictions. He addressed those concerned about increased traffic and said that having storage facility over having an office facility would drop traffic flow by 20 percent.

Mr. Earl said that in their report staff had emphasized the need for office space to increase employment opportunities. Del Web and the property engineers and designers felt that Anthem was located too far north to be able to attract regional employment but the Deer Valley core, that had nine-million sf of jobs space, did have that regional level of employment. Phoenix has since approved two more regional cores, which increases "employment" by millions of additional square feet. He outlined the office buildings built into the original plan and the two new office facilities built within the last two years - "for which there is no demand and they now stand 100% empty." He asked what better use this property - surrounded by the treatment plant, a church and ball fields - could have than the proposed, badly needed, storage facility.

Pat Henson, Anthem Community Council, cited several safety issues she felt should be considered in approving this project that concerned traffic and safety with regards to the high school and a grade school in the church, bordering the area. She felt the storage facility would be more appropriately located in the Anthem Commerce Park. She asked for denial.

Donna Gloshen, President, Anthem Community Council, said the Council voted unanimously on September 24, 2008, to oppose both the SUP and the zoning change for this project. She felt this site could be put to better use and that the storage facility would be better moved to the Anthem Commerce Park. She asked for denial.

Chairman Kunasek asked Ms. Gloshen what she thought a better use would be next to a waste water treatment plant than a storage facility. He felt it would be a difficult site for retail or office space and not appropriate for any residential. Discussion ensued.

John Pope, resident, said he had looked at the CC&R's, the zoning and other factors before moving to Anthem seven-years ago and said this property was originally meant for the water treatment plant and he felt it should be left to that use. He asked for denial.

Rick Kesselman, resident, said Anthem is a safe, well-planned, residential community that is eight years old and not much has changed in that time except for some growth. He agreed that a storage facility is not appropriate for this site. He did not believe that "spot zoning and spot planning" is beneficial in the long run because in the end you have a hodge-podge of a town. He asked for denial.

Ron Jerich, resident, said he was upset with the recommendation from Planning and Zoning to approve the SUP feeling those in opposition had not been heard. He said their petition had 157 names on it of Anthem residents and he felt the majority of residents did not want a storage facility at that site. Several residents feared decreased property value if it is built. He asked for denial.

Don Steinhauser, resident, said he is opposed to the rezoning, the SUP and to Amicor's storage project and said his main concern is traffic, which is already heavy. He also feared the addition of fuel storage on the property for the rental trucks. He urged the Board to consider the impact of approval of this request.

Chairman Kunasek said he had several questions pertaining to the excess land at the site, the rental aspect of the business, and if there are fueling facilities planned.

Stephen Earl remembered that there had been a lot of opposition from residents of New River and Desert Hills who had filled this auditorium when the Board was considering the approval of the master plan to create Anthem - because they did not want change. He said that Anthem has won a national award several times as one of the most

beautiful and well planned communities in the nation. He said the question now is what is the best use for this small parcel of property.

He addressed the issue of traffic and said this use would produce 80% less traffic than a comparable use for office space. He added that the peak use for this property would not be during school or work hours, but more during weekend or middle of the day. He said RV's and boats would be on the back of the property but no large commercial trucks would be parked there. Any rental trucks would be for ancillary use only and a very small percentage of the whole - perhaps five trucks. He said the main, two-story building is air conditioned and has 30 feet of landscaping between it and the street. He said there is no plan for the remaining small parcel but any future plan would also have to be limited to those uses approved for C-0 zoning.

Supervisor Brock listed the number of "undesirable" facilities located within a several-mile area of his home in Chandler and said that the value of his and other nearby property has increased rather than decreased, and he declared that he felt Anthem's amenities exceeded those in his area.

Supervisor Wilcox has been involved in the Anthem Master Plan from the beginning and expressed pride in it and also in the use for this SUP, although she did not agree with the zoning change. She said, "I think this Board has been very cognizant of not making changes that would change the whole environment we created in Anthem."

Supervisor Brock said this appears to be a high-end project with more than adequate setbacks and landscaping and he felt it would be a very beneficial use to the area.

Chairman Kunasek said no fuel would be stored there (adding for the record that the applicant affirmed this), he said he felt this is a good buffer between residential and non-residential use and did not foresee a need for much more office space in the town. He said he did not want to dismiss the very real concerns that had been voiced in opposition to the plan, although he did believe this opposition was misplaced. He said he would like to continue the discussion regarding the SUP for two weeks to provide additional time to resolve the issues with neighbors.

Motion to concur with the Planning and Zoning Commission recommendation for denial by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

3. SPECIAL USE PERMIT - AMERICOR SELF STORAGE

Case Number: Z2008025
Supervisory District: 3
Applicant: Earl, Curley and Lagarde, PC
Location: West of Gavilan Peak Pkwy. and north of Daisy Mountain Drive (in Anthem)
Request: Special Use Permit for mini-storage, RV and boat storage, and ancillary truck rentals in the C-O CUPD/PAD and/or C-2 CUPD/PAD zoning district (approx. 7.5 ac.)
Commission Action: Approve by a vote of 8-1 subject to staff recommended stipulations "a" through "q", but with modifications to stipulations "l" and "m". (C-44-09-047-7-00)

Motion to continue to the December 3, 2008, meeting. by: Supervisor Wilson, Seconded
by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board